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212006US0



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :

Elisabeth PICARD-LESBOUEYRIES : EXAMINER: R. BENNETT

SERIAL NO.: 09/933,742 :

FILED: AUGUST 22, 2001 : GROUP ART UNIT: 1615

FOR: COMPOSITIONS COMPRISING A
SAPOGENIN AND A XANTHINE
AND METHODS OF USING THE SAME

PETITION UNDER 37 C.F.R §1.181(a)(3)

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

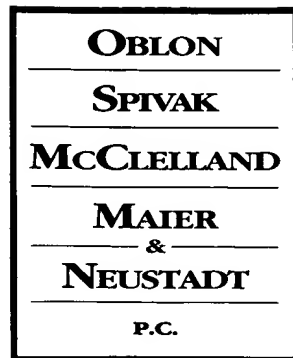
SIR:

Petitioner respectfully requests the Office to invoke the supervising authority of the Commissioner and consider Petitioner's Comments on Statement of Reasons for Allowance, concurrently filed herewith, and also indicate that reference AW cited on the PTO Form 1449 submitted June 16, 2003, has been considered. A copy of the June 16 PTO Form 1449 as filed, including the date-stamped filing receipt evidencing the timely filing thereof, as well as a copy of this Form 1449 accompanying the August 12, 2003, Office Action indicating that all other references on this form 1449 had been considered are attached. Also attached are



Docket No.: 212006US0

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

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RE: Application Serial No.: 09/933,742
Applicants: Elisabeth PICARD-LESBOUEYRIES
Filing Date: August 22, 2001
For: COMPOSITIONS COMPRISING A SAPOGENIN
AND A XANTHINE AND METHODS OF USING
THE SAME
Group Art Unit: 1615
Examiner: R. Bennett

SIR:

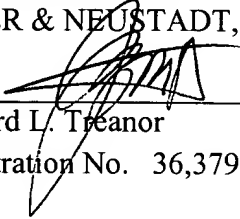
Attached hereto for filing are the following papers:

- (1) Comments on Statements for Reasons of Allowance;
- (2) Petition Under 37 C.F.R. §1.181(a)(3);
- (3) Date-Stamped Filing Receipt, PTO Form 1449,
Cited References 4 (Copies from June 16, 2003 Filing); and
- (4) Initialed PTO Form 1449 (Copy from August 12, 2003, Office Action).

Our check in the amount of -0- is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


Richard L. Treanor
Registration No. 36,379

Customer Number

22850

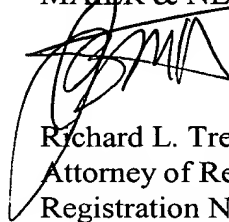
(703) 413-3000 (phone)
(703) 413-2220 (fax)

Jeffrey B. McIntyre
Registration No. 36,867

copies of the references identified on PTO Form 1449. An early and favorable indication that the References cited on PTO Form 1449 have been considered is kindly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

Jeffrey B. McIntyre
Registration No. 36,867

Customer Number

22850

Tel #: (703) 413-3000
Fax #: (703) 413-2220

212006US0



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: :

Elisabeth PICARD-LESBOUEYRIES : EXAMINER: R. BENNETT

SERIAL NO.: 09/933,742 :

FILED: AUGUST 22, 2001 : GROUP ART UNIT: 1615

FOR: COMPOSITIONS COMPRISING A
SAPOGENIN AND A XANTHINE
AND METHODS OF USING THE SAME

COMMENTS ON STATEMENTS FOR REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
ALEXANDRIA, VA 22313

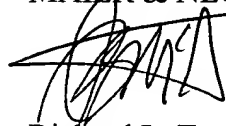
SIR:

Responsive to the Notice of Allowance dated January 2, 2004, Applicant respectfully requests that document AW on the PTO Form 1449 submitted June 16, 2003, be considered. Applicant respectfully requests that the Examiner acknowledge consideration of this reference by providing Applicant with an initialed copy of PTO Form 1449. A copy of the June 16 PTO Form 1449 as filed, including the date-stamped filing receipt evidencing the timely filing thereof, is submitted herewith for the Examiner's convenience, as well as a copy of this PTO Form 1449 accompanying the August 12, 2003, Office Action indicating that all

other references listed on PTO Form 1449 have been considered. Also included are copies of the references identified on PTO Form 1449.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Attorney of Record
Registration No. 36,379

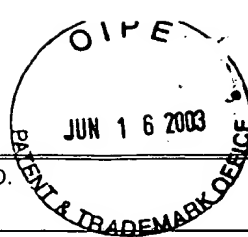
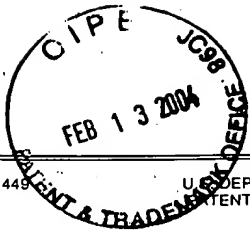
Jeffrey B. McIntyre
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Fax #: (703) 413-2220



SHEET 1 OF 1

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY DOCKET NO.
212006US0SERIAL NO.
09/933,742

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT
Elisabeth PICARD-LESBOUEYRIESFILING DATE
August 22, 2001GROUP
1615

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
W5	AA	4,684,522	08/04/87	Marissal, et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

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FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
OB	AO	FR 2554344-A1	05/10/85	France (English Abstract Provided)		X
OB	AP	FR 2499405	08/13/82	France (English Abstract Provided)		X
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	Chemical Abstracts, Vol. 50, AN=50:52694
	AX	
	AY	
	AZ	

☐ Additional References sheet(s) attached

Examiner

Rachel Bennett

Date Considered

8/8/03

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



OSMM&N File No. 212006US0

Dept.: CHEMICAL

By: RLT/JBM/ds

Serial No. 09/933,742

In the matter of the Application of: Elisabeth PICARD-LESBOUEYRIES

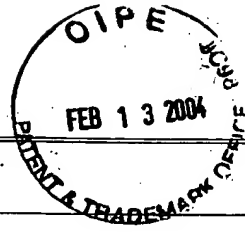
For: COMPOSITIONS COMPRISING A SAPOGENIN AND A XANTHINE AND METHODS OF USING THE SAME

Due Date: N/A

The following has been received in the U.S. Patent Office on the date stamped hereon:

- | | |
|---|--|
| <input type="checkbox"/> Check for <u>\$180.00</u> | <input type="checkbox"/> Dep. Acct. Order Form |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> PTO-1449 |
| <input type="checkbox"/> Cited References <u>4</u> | |



Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY DOCKET NO.
212006US0SERIAL NO.
09/933,742

LIST OF REFERENCES CITED BY APPLICANT

APPLICANT

Elisabeth PICARD-LESBOUEYRIES

FILING DATE

August 22, 2001

GROUP

1615

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	4,684,522	08/04/87	Marissal, et al.			
	AB						
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	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	ER 2554344-A1	05/10/85	France (English Abstract Provided)		X
	AP	FR 2499405	08/13/82	France (English Abstract Provided)		X
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	Chemical Abstracts, Vol. 50, AN=50:52694
	AX	
	AY	
	AZ	

☐ Additional References sheet(s) attached

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

AN ***50:52694*** CA
REF 50:10117i,10118a-c
TI Studies on sterolic sapogenins. V. Ruscogenin, 22.alpha.-spirostene-
3.beta.,19-diol, a new sterolic sapogenin of *Ruscus aculeatus* L.
AU Lapin, Henri; Sannie, Charles
IS Museum hist. nat., Paris
SO Bull. soc. chim. France (1955) 1552-5
OT Journal
LA Unavailable
AB cf. C.A. 48, 10995i. The saponins were extd. from *Ruscus aculeatus* L.
with BuOH, and hydrolyzed. The sapogenins were sepd. by paper
chromatography into digitonenin and a mixt. of 3 sapogenins. This mixt.
was sepd. by fractional crystn. of the acetates. The most abundant one,
called ruscogenin, had the compn., after deacetylation and drying for 5
hrs. at 120.degree. and 0.4 mm. Hg, C₂₇H₄₂O₄, m.p. 205-10.degree.. It is
an unsatd. diol, and infrared spectrum shows a steroid structure with a
spirane nucleus, no tertiary OH, and no CO. The double bond adds H over
Pt under pressure. Br gave a tribromo deriv., with 2 Br atoms adding to
the double bond and 1 Br substituting on C-23. One OH is at 3.beta., and
the double bond is at 5, 6, as shown by (a) selective deacetylation on
3.beta. of the diacetyl deriv., followed by Al(OPr-iso)₃ oxidation, to an
unsatd. ketone, and (b) lack of oxidation by MnO₂. Lack of reaction with
periodate shows that the 2 OH groups are not vicinal. CrO₃ oxidized one
OH group (the one not on 3.beta.) to CO. The structure of ruscogenin was
further confirmed by its oxidation with CrO₃, followed by Wolff-Kishner
reduction, to diosgenin. Ruscogenin is thus diosgenin with an extra OH,
whose position remains to be detd.
CC 10 (Organic Chemistry)